

THE CHAIRMAN: Are there further questions?

*(There was no response.)*

If not, while Delegate Mitchell returns to her Chair to begin the debate the Chair would like to recognize the presence in the gallery of the Honorable W. Hughes Brockbank, Chairman of the Finance Committee of the State Senate of Utah, accompanied by Dr. Carl Snow, Legislative Analyst, of the Legislature of Utah.

Delighted to have them here. *(Applause.)*

There is a period of controlled debate, fifteen minutes controlled by Delegate Mitchell, fifteen by Delegate Hardwicke.

For what purpose does Delegate Pullen rise?

DELEGATE PULLEN: Personal privilege, Mr. Chairman.

I would like to offer a welcome to my former colleague and friend, a former state superintendent of public instruction, Mr. Young.

THE CHAIRMAN: Delighted to have him. *(Applause.)*

This will be Amendment No. 3, the amendment distributed to you and marked P. The Clerk will read the amendment.

READING CLERK: Amendment No. 3 to accompany Minority Report R&P-1(D) by Delegates Bennett, Bothe, Burgess, Hardwicke, Mitchell, L. Taylor, Willoner:

On page 2, section 3, Right to Due Process and Equal Protection, in line 31 after the word "laws" add the following words: "nor be subject to discrimination by the State because of race, color, religion, or national origin."

THE CHAIRMAN: The Chair recognizes Delegate Mitchell.

DELEGATE MITCHELL: I would like, Mr. President, to yield two minutes to Delegate Adkins.

THE CHAIRMAN: Delegate Adkins.

The Clerk will ring the quorum bell, please.

Will you call on someone else, Delegate Mitchell.

DELEGATE MITCHELL: I yield four minutes to Delegate Wagandt.

DELEGATE WAGANDT: Thank you.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: Mr. Chairman, in the commentary of R&P-1 the majority's position seems to suggest that the Supreme Court's interpretation of the 14th Amendment can play the major roll in resolving the problems of discrimination.

True, the Court has been expanding the view of civil and political rights, but I do raise this question: How do we know what position the court will take in the future decades under the equal protection clause of the 14th Amendment?

How can we be sure that the court will continue its local interpretation?

I remind you that there was a 14th Amendment when the Supreme Court struck down the Civil Rights Act of 1875. There was a 14th Amendment when the Supreme Court enunciated its separate but equal doctrine, and there was a 14th Amendment when thousands of American citizens were sent to concentration camps in the 1940's solely because of their national origin.

Therefore, I suggest that we cannot and should not rely solely on the Supreme Court to bear the burden of the questions for equal justice; nor can we remain silent in this constitution, for as Delegate Kiefer has already stated last week, we have a duty to posterity to provide a timeless Declaration of Rights.

Certainly we would be remiss not to address ourselves to a centuries-old problem that has caused Marylanders more anguish than any other problem it has ever confronted. Justice has followed a very irregular road in this State.

I think that a very brief look at our history will show the erratic course of reform that underscores the need to take some sort of positive statement. Under the Constitution of 1776, a Negro who fulfilled the same qualifications as a white man could vote and late in the next decade, one of the world's first anti-slavery associations was organized here in Maryland. But unfortunately the trend of reform soon swung in the other direction, so that by the year 1860 there was serious discussion within this State on the process of expelling free Negroes and re-enslaving them, and in 1860 the General Assembly of this State enacted a law that forbade a slave owner from freeing a slave, even if he so desired.

Now, during the Civil War, the pendulum swung the other way, so that through the Constitution of 1864 the State of Maryland became the first border state within